

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:19-00163

KEVIN MICHAEL HUFFMAN

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the court is defendant Kevin Michael Huffman's Pro Se Motion which the court liberally construes as a motion requesting a sentence reduction pursuant to 18 U.S.C. 3582(c)(2) (Retroactive Guideline Amendment 821), [ECF No. 90], filed on January 3, 2025.

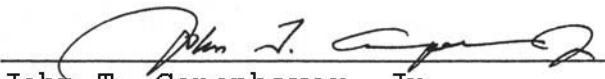
On November 1, 2023, a multi-part criminal history amendment designated as Amendment 821 in Appendix C to the *Guidelines Manual* became effective. Part A of the amendment addresses status points (additional criminal history points added for having committed the instant offense while under a criminal justice sentence), decreasing them by one point for individuals with seven or more criminal history points (other than status points) and eliminating status points for those with six or fewer criminal history points. Subpart 1 of Part B

creates a new §4C1.1 guideline that provides a decrease of two offense levels for "Zero-Point Offenders" (those with no criminal history points) whose offense did not involve specified aggravating factors. Parts A and B, subpart 1 of the criminal history amendment both have retroactive effect.

Inasmuch as the defendant, when sentenced herein on February 2, 2020, was not assessed any status points (rather, his Criminal History Category of V is based on eleven criminal history points for prior convictions, none of which are status points), and inasmuch as the defendant's eleven criminal history points establishes he is not a Zero-Point Offender, his motion for modification or reduction of sentence is hereby ORDERED denied.

The Clerk is DIRECTED to send a copy of this Order to Defendant, the United States Attorney, the United States Probation Office, and the United States Marshals.

ENTER: February 28, 2025



John T. Copenhaver, Jr.
Senior United States District Judge